

BOARD OF MAYOR AND ALDERMEN

March 20, 2001

7:30 PM

Mayor Baines called the meeting to order.

The Clerk called the roll. There were thirteen Aldermen present.

Present: Aldermen Wihby, Gatsas, Levasseur, Sysyn, Clancy, Pinard, O'Neil, Lopez, Shea, Vaillancourt, Pariseau, Cashin, and Hirschmann

Absent: Alderman Thibault

Mayor Baines recessed the regular meeting in order to continue the special board meeting.

CONSENT AGENDA

Mayor Baines advised if you desire to remove any of the following items from the Consent Agenda, please so indicate. If none of the items are to be removed, one motion only will be taken at the conclusion of the presentation.

Minutes Accepted

- A. Minutes of meetings held on July 19, 2000 (three meetings) and July 31, 2000.

Pole Petition - Approve Under Supervision of the Department of Highways

- B. Verizon Conduit #922351 located on Dow Street.

Informational - to be Received and Filed

- C. Minutes of the Manchester Airport Authority meetings held on December 21, 2000 and January 25, 2001.
- D. Communication from the Recycling Coordinator advising of the Highway Commission's approval of fee increases at the Citizen Drop-off Facility, as outlined herein, effective July 1, 2001.
- E. Copy of a communication from Donald Clay, MTA General Manager responding to Mr. Michael Dindia's request for reimbursement of \$8.00 for a picture ID card.

- F. Minutes of the January 24, 2001 meeting of the MTA and copies of the Financial and Ridership Reports for the month of January, 2001.
- G. Communication from the Water Works Director advising that the Board of Water Commissioners have approved a 50% water rate discount that qualify for an elderly exemption as administered by the Manchester Board of Assessors effective with the second quarterly water bills of 2001.
- H. Minutes of the Mayor's Utility Coordinating Committee meeting held on February 21, 2001.
- I. Communication from the State of NH, Department of Transportation submitting three copies of the Final Environmental Impact Statement (Volumes I, II & III) for the Bedford-Manchester-Londonderry-Litchfield-Merrimack (Manchester Airport Access Road) project.
- J. Communication from the State of NH, Department of Transportation advising of contemplated awards.
- K. Card of thanks from Carol Johnson and the Family of Theresa Yvonne Moore expressing their gratitude to the Board for its recent expression of sympathy.

Accept Funds and Remand for the Purpose Intended

- M. Communication from the Deputy Finance Officer advising of the receipt of \$675.00 from Thomas and Melanie Gaiser towards the purchase of a third ballistic vest for the Police canines.
- N. Communication from the Deputy Finance Officer advising of the receipt of the City's share of Forfeiture Funds in a federal drug case totaling \$97,048.17.

REFERRALS TO COMMITTEES

COMMITTEE ON ADMINISTRATION/INFORMATION SYSTEMS

- O. Communication from Lloyd Basinow requesting the Board investigate the Health Department's fluoride sponsorship.

COMMITTEE ON COMMUNITY IMPROVEMENT

- P. Communication from the Chief of Police seeking permission to place an order for eight (8) vehicles totaling \$189,934.00 with this year's State bid, utilizing FY2002 CIP budget funds.

REPORTS OF COMMITTEES

COMMITTEE ON HUMAN RESOURCES/INSURANCE

- U. Recommending that the proposed Drug and Alcohol Policy, as enclosed herein, be approved and that it apply only to non-affiliated positions.

- V. Recommending that a request of the Manchester Water Works for two (2) new positions (Utility Inspector II, grade 19, and Public Services Worker II, grade 13) be granted and approved.

- W. Advising that it has reviewed and approved ordinance amendment:

"Amending Sections 33.024, 33.025 and 33.026 (Recreation Specialist I, Recreational Specialist II) of the Code of Ordinances of the City of Manchester."

and recommends same be referred to the Committee on Bills on Second Reading for technical review.

COMMITTEE ON JOINT SCHOOL BUILDINGS

- X. Advising that it has voted to accept the amendment to the Oak Point & Associates contract for the McLaughlin Middle School Addition to include a change in the scope of services. The contract is now in the amount of \$204,000 with a stipulation of \$56,000 for a Clerk of the Works.
- Y. Advising that it has awarded the Parker Varney School Elevators and ADA Improvement Project to Pilot Construction in the amount of \$311,488.
- Z. Advising that it has voted to accept the contract submitted by Tenant Wallace Architects in the amount of \$5,400 for design services for the auditorium improvements at West High School.
- AA. Advising that it has accepted the enclosed project financial, architect's, engineer's and contractor's reports for the month of February 2001 relative to High School Stages, Henry J. McLaughlin Jr. Middle School, ADA Accessibility/School Elevators - Webster School Elevator/ADA Improvements, Central & West Heat & Ventilation Improvements Phase V, NORESO Performance Contract, Roofing Projects - Weston & Manchester School of Technology, Asbestos Abatement - McDonough & Green Acres Schools, CHS/WHs Electrical Improvements, and McLaughlin Middle School Addition and is submitting same to the Board for informational purposes.

SPECIAL COMMITTEE ON AIRPORT ACTIVITIES

- AB. Advising that it has accepted the Manchester Airport Appropriation Budget FY 2001 Forecasted Analysis and is submitting same to the Board for informational purposes.
- AC. Advising that it has voted to accept the final report from James Conway Engineering, Inc. regarding the Highland-Goffe's Falls School ventilation issue, and is submitting same to the Board for informational purposes.
- AD. Advising that it is going to take the lead in dealing with the Town Council of Londonderry's concerns relative to the Manchester Airport. The Committee also notes that it will be inviting two representatives from the Town of Londonderry to attend its next meeting.

HAVING READ THE CONSENT AGENDA, ON MOTION OF ALDERMAN O'NEIL, DULY SECONDED BY ALDERMAN PARISEAU, IT WAS VOTED THAT THE CONSENT AGENDA BE APPROVED.

- L.** Communication from the St. Patrick's Parade Committee extending an invitation to Board members to participate in the parade to be held on Sunday, March 25th at 1:00 PM.

Alderman O'Neil stated just a quick reminder, your Honor, that all members of the Board, including yourself, are invited to march in the parade. If you can respond to Mr. Sheehan with a heads up that would be fine, but you are welcome to just show up as well. His number is in the letter and if you have a chance give him a call, I know he'd appreciate it.

- Q.** Communication from the Manchester School District requesting approval of a matching grant in the amount of \$723,152 for the Bakersville Kindergarten Construction Grant Project; and noting that 25% matching funds plus site acquisition costs will be required.

Deputy Clerk Johnson advised that we had submitted to the Board some committee reports under a separate cover and the reason I requested Item Q be pulled off is so that a report on this item could be submitted because the CIP Committee addressed this item last evening.

A report of the Committee on Community Improvement recommending that the Board of Mayor and Aldermen authorize the Bakersville School Kindergarten Construction Grant to proceed; and that the related funds be appropriated by the Board in the upcoming FY2002 CIP budget process.

Alderman Pariseau moved to accept, receive and adopt the report of the committee.

Alderman O'Neil duly seconded the motion.

Alderman Shea stated I realize that this is an appropriation in order to focus on Bakersville School, I'm certainly for it, but I'd like to pass on the consideration that maybe an addition should be considered for the McDonough School simply because this has been talked about...Alderman Clancy brought this up at previous meetings and although I don't want to tie up this because we want to get it into the State, I think that options should be considered because I think that we have a concern too regarding the tuition at Easter Seals which is going to be coming up in another year and I think that if we were able to move some of the kindergarten children from Smyth Road or from McDonough into that addition and the Easter Seal children could go there, I think that that would possibly save quite a bit of money and I think that that should be considered by the School Department.

Mayor Baines called for a vote on the motion. There being none opposed, the motion carried.

R. Resolution:

"Amending the 2001 Community Improvement Program, authorizing and appropriating funds in the amount of One Hundred Fifty Thousand Dollars (\$150,000) for 2001 CIP 650701 Bond Building Renovation Project."

Deputy Clerk Johnson stated item R was a referral of a resolution to the Committee on Finance; that resolution has been substituted as a result of the meeting of the Community Improvement Program last night and what I would like to do if the Board would so acknowledge is to submit a report of that committee which has two particular resolutions on it, so that we can get those referred to the Committee on Finance.

A report of the Committee on Community Improvement recommending that Resolutions:

"Amending the 2001 Community Improvement Program, authorizing and appropriating funds in the amount of Thirteen Thousand Eighty Dollars (\$13,080) for FY2001 CIP 510601 Park Improvement Program"

"Amending the 2001 Community Improvement Program, authorizing and appropriating funds in the amount of One Hundred Fifty Thousand Dollars (\$150,000) for 2001 CIP 650701 Bond Building Renovation Project."

and recommends same be referred to the Committee on Finance.

Alderman Wihby moved to accept, receive and adopt the substitute report of the Committee on Community Improvement as presented. Alderman Pariseau duly seconded the motion. Mayor Baines called for a vote on the motion. There being none opposed, the motion carried.

S. Communication from the Chief of Police submitting a proposal to reduce the city-wide speed limit from 30 to 25 mph.

Alderman Vaillancourt stated I am opposed to sending this to the Traffic/Public Safety Committee, I'll offer a substitute motion of receive and file. Alderman Levasseur duly seconded the motion.

Alderman Vaillancourt stated this by the way for those who don't have it in front of them is the effort by the Chief of Police submitting a proposal to reduce the city-wide speed limit from 30 to 25 miles an hour. I sent a copy of a letter I received from a Mr. Lindh to all the members of the Board of Mayor and Aldermen last week...I trust you received

that and have had a chance to look it over. I think Mr. Lindh who is an expert in engineering studies makes the case better than I ever could that in order for this to even be considered we would have to spend tens of thousands of dollars to do a survey to even justify looking into this. Not having that survey, the only evidence we have is that there is absolutely no cause to consider lowering the speed limit which is based as probably those of you know who are experts at speed limits throughout the country, and the state, and the city on the 85th percentile. In other words, 85% of the people travel around 30 miles an hour...if anything, 85% of the people are actually exceeding the speed limit. So, to lower the speed limit to 25 miles an hour would simply make 99% of our population law breakers every time they set foot into the car. Now, I don't believe we can take the oath of office to do the will of the people to operate on the premise of a democracy that the consent of the governed is the way we rule and then to sit back and make 99% of the people law breakers every time they set foot into their car. We had people in the public hearing speak tonight saying that if this happens it will probably lead to road rage, it will lead to more accidents, not fewer accidents...I haven't heard anybody that wants it, I know that people go too fast. I know the Police have to enforce the laws the best they can, but we shouldn't make unreasonable laws simply because people don't obey the laws. As you know, we've had a problem down at the Brent Street area and Trolley Crossing in my Ward 8, I had a woman who was complaining about people going through her neighborhood at an excessive speed. I guess she stopped complaining a couple of month's later when she received a ticket for speeding out on Brown Avenue. So, be careful what you wish for. Reducing the speed limit to 25 miles an hour would lead to haphazard enforcement...there is no proof of a scintilla of evidence that's it's required. We went through that ill conceived experiment with the traffic barricades on Gold, Sewall and President...the Police Department did not issue a single ticket although people were breaking that by the hundreds every day, they did not issue a single warning...we're here to do the will of the people, not to make it easier for the Police Department to carry out unreasonable laws. What are we going to go to next 20 miles an hour, 15 miles an hour, ultimately tell people they can't leave their houses at all. The Police have the authority to enforce a reasonable speed now...I suggest they do it and that we dispense with this hearing and simply receive and file this.

Alderman Pariseau stated the Police did issue citations for people going through the barricades on Gold Street/Sewall...and it cost them \$72.00 a whack.

Alderman Hirschmann stated I am of a dissenting opinion of this...I don't want to change the city-wide speed limit and that is the recommendation, but there are many areas in this City...Beech Hill Apartments, Kelley Falls Apartments...where there's children in the streets and on the sidewalks and 30 miles an hour is fast and I've asked for a few areas in the city to be reduced to 25, so why don't we refer this to the Committee and discuss

which areas of the city could be reduced for public safety efforts through the Public Safety Committee. Maybe, we don't want to do it city-wide, but let's come up with an alternative recommendation.

Mayor Baines stated I want to thank the Board, but I just want to remind the Board that this was a motion to go to committee for study and deliberation.

Alderman Pinard stated I think it would be proper to let the Chief explain a little bit.

Mayor Baines stated I don't think at this point because it's just to refer to committee and that's where the Chief and others would have a chance to come in and discuss it; that is the way the committee system was set up, so if we could do that I would appreciate it very much.

A roll call vote was taken on the motion to receive and file the communication.

Aldermen Wihby, Gatsas, Pinard, O'Neil, Lopez, Pariseau, Cashin and Hirschmann voted nay. Aldermen Levasseur, Sysyn, Clancy, Shea and Vaillancourt voted yea. Alderman Thibault was absent. The motion to receive and file failed.

Alderman Hirschmann moved to refer item S to the Committee on Traffic/Public Safety.

Alderman Cashin duly seconded the motion. The motion carried with Aldermen Levasseur, Sysyn, Clancy, Shea and Vaillancourt duly recorded in opposition.

Report of the Committee on Administration/Information Systems

- T.** Recommending that the current process of having referrals to Committees appear on the Board Consent Agenda be rescinded and that items be forwarded directly to the proper Committees.

Alderman Shea stated I have a couple of objections. First of all, I'm opposed because the more comprehensive our agenda the closer attention...personally speaking, I would pay to specific items and the better prepared I'd be to discuss an issue in committee. For example, this evening, we have discussed three or four items that were referrals to committees and I think that that shows that there is a need for that and I'm opposed to sending this. So, I will vote no on this.

Alderman O'Neil stated, Alderman Shea, this came up tonight as an item in Committee on Administration. The letter was dated to the City January 31st, it was heard by the committee tonight March 20th. Because of a delay it missed going to the meeting the first of February, didn't get referred to the Board till the 3rd week of February and then referred to the next Administration meeting, so there was quite a delay and it had to do with AT&T and the cable contract. So, I respect your opinion, but I just think that this might help the process a little bit.

Alderman Levasseur stated I tend to disagree on a couple of points because if it comes to us first before it goes to committee and we have questions...say we're going to miss a meeting and we can't attend a certain committee meeting if one of us has certain experience or certain questions we could ask those questions prior to going to committee so that the people that would be having to answer those questions would already know in advance what those questions would be and also have a lot of their documents. Too many times, your Honor, we see where somebody's not prepared for a certain question and by coming here first and then going to committee, I think we have a better opportunity as a group to see and then ask questions and then present questions to those committee members without us having to be at those committees because we can't always make those committee meetings. So, that would be my argument for Alderman Shea's argument also.

Alderman Wihby stated I thought we were taking a look at this because things were taking too long at the full Board level, not so much that we were missing things in the course of months because it had to go through the process, but that more so that our meetings are lasting until midnight. Was that the case, is that why we came up with this.

Alderman Gatsas replied the reason why we sent it to committee was to try and shorten the meetings because we would be addressing items three times: once, when it was on the Consent Agenda; once when it went to committee; and then when it came back to the full Board out of committee. So, we're continually talking about the same item three times.

Alderman Wihby asked is a good compromise letting it show up on the agenda, but not letting it be pulled off and letting it go to committee, so we do see it on the agenda, we know ahead of time it's going to the committee but that we can't pull it off to discuss it because we know it's going to go to the committee.

Alderman Lopez stated I think this serves a good service for the community for people that need to get things done. I think all of the Aldermen receive a copy of all of the committees. I think the City Clerk's Office would gladly, if you can't make a committee meeting to make your comments in writing and they would bring it up to the committee and I think it's going to serve the public a lot better by doing it other than waiting 30 days or a long time before something gets done.

Alderman Cashin stated the only reason this was put in, your Honor, is to expedite City business. What we're doing is wasting a lot of time at the Board level, it goes to committee anyway, it's debated in committee, and then comes back and gets debated

again. We're debating it three times and I agree with Alderman Gatsas...I'd send it to committee, let's expedite it, and bring it back.

Alderman Vaillancourt stated I do feel compelled to take exception to the concept that one minute of my time spent in this august chamber has been wasted. I was elected to serve the people and I do not, for a moment, regret any time I've spent here...sometimes, democracy takes a little bit longer than some people would like. I have wanted to say for several meetings now that the reason that these meetings take so long is not because of this kind of action, but because of the various shows that we have put on for us...not that there is anything wrong with that, but the presentations at the start of the meeting. I think you'll find that this does not take a lot of time...do some clock work if you have to to verify that, but we don't have any of these special presentations tonight, I think you'll find we'll be out of here fairly quickly. So, in the interest of democracy I will favor the position of my colleague to my left.

Alderman Cashin moved to accept, receive and adopt the report of the committee.

Alderman O'Neil duly seconded the motion.

Alderman Pariseau moved the question. Alderman Cashin duly seconded the motion.

There being none opposed, the motion carried.

A roll call vote was taken on the motion to accept the report. Aldermen Pariseau, Cashin, Gatsas, Sysyn, Clancy, Pinard, O'Neil and Lopez voted yea. Aldermen Hirschmann, Wihby, Levasseur, Shea and Vaillancourt voted nay. Alderman Thibault was absent. The motion carried.

4. Mayor Baines made the following nominations:

Conservation Commission:

Jennifer Drociak to replace Kathleen Brown, term to expire August 1, 2001

Michael Stephen Poisson to replace Jennifer Fox, term to expire August 1, 2003

Under the rules of the Board, these nominations were to layover until the next meeting.

Heritage Commission:

Linda Seabury to succeed herself, term to expire January 1, 2004

Bernard Cowette (alt.) to succeed himself, term to expire January 1, 2004

Gregory Gaucher (alt.) to succeed himself, term to expire January 1, 2004

Verna Perry (alt.) to succeed herself, term to expire January 1, 2004

Alderman Wihby moved to suspend the rules to confirm the nominations. Alderman Pinard duly seconded the motion. The motion carried with Alderman Levasseur duly recorded in opposition and Alderman Vaillancourt abstaining.

Alderman Wihby moved to confirm the nominations to the Heritage Commission as presented. Alderman Pinard duly seconded the motion.

Alderman Vaillancourt stated we do have a Charter that calls for term limits on appointments such as this. I assume that when we're given one of these appointments to succeed oneself we are acting within the limits of the Charter and this will be the final term for anybody that's reappointed.

Mayor Baines replied yes and just to explain that under the Charter the way the Charter was adopted that the first term actually commenced with the adoption of the Charter, then everyone was allowed to continue one more term, so we're very careful on that.

Mayor Baines called for a vote on the motion. There being none opposed, the motion carried.

Manchester Development Corporation:

Raymond Pinard to succeed himself, term to expire March 11, 2004

Gary Long to succeed himself, term to expire March 11, 2004

Alderman Hirschmann moved to suspend the rules to confirm the nominations.

Alderman Pariseau duly seconded the motion. The motion carried with Alderman Levasseur duly recorded in opposition.

Alderman Levasseur stated I believe we should lay them over for one meeting, I agree with the nominations, I just don't think we should rush them through just to make sure that we are doing everything correct.

Alderman Wihby moved to confirm the nominations to the Manchester Development Corporation as presented. Alderman Sysyn duly seconded the motion. The motion carried with Alderman Vaillancourt duly recorded in opposition.

Building Board of Appeals:

Owen Pierce to succeed himself, term to expire January 8, 2004

Leon Boisvert to succeed himself, term to expire January 8, 2004

Alderman Wihby moved to suspend the rules to confirm the nominations. Alderman Pinard duly seconded the motion. The motion carried with Alderman Levasseur duly recorded in opposition.

Alderman Wihby moved to confirm the nominations to the Building Board of Appeals as presented. Alderman Pariseau duly seconded the motion. There being none opposed, the motion carried.

Zoning Board of Adjustment:

William Larkins (alt.) to replace Robert Bennett, term to expire March 1, 2004

Under the rules of the Board, this nomination was to layover until the next meeting.

Conduct Board:

Carol Resch, to fill the unexpired (alternate) term of Doug Wenners, term to expire October 1, 2003

Under the rules of the Board, this nomination was to layover until the next meeting.

Alderman Wihby asked on those individuals you are replacing can you tell us why they didn't want to serve again or are you just changing them or what.

Mayor Baines replied Doug Wenners moved up as well as Doug Bennett and the replacement people did not want to serve, they didn't want reappointments.

On motion of Alderman Sysyn, duly seconded by Alderman Wihby, it was voted to recess the regular meeting to allow the Committee on Finance to meet.

Mayor Baines called the meeting back to order.

OTHER BUSINESS

7. A report of the Committee on Finance was presented recommending that Resolutions:

"Amending the 2001 Community Improvement Program, authorizing and appropriating funds in the amount of Thirteen Thousand Eighty Dollars (\$13,080) for the FY2001 CIP 510601 Park Improvement Program."

"Amending the 2001 Community Improvement Program, authorizing and appropriating funds in the amount of One Hundred Fifty Thousand Dollars for the 2001 CIP 650701 Bond Building Renovation Project."

ought to pass and be Enrolled.

Alderman Clancy moved to accept, receive and adopt the report of the Committee on Finance. Alderman Shea duly seconded the motion. There being none opposed, the motion carried.

8. A report of the Committee on Administration/Information Systems regarding circus licenses was presented recommending that a request of Smokey's Greater Shows and the Little Green Gridiron Club to conduct a Carnival at the Singer Family Park from April 12, 2001 through April 22, 2001 be granted and approved under the direct supervision of Police, Fire, Building, health, Risk and City Clerk.

Alderman Levasseur moved to accept, receive and adopt the first report of the Committee on Administration. Alderman Pariseau duly seconded the motion. The motion carried with Alderman Gatsas duly recorded as abstaining.

A second report of the Committee on Administration/Information Systems was presented recommending that a request from the Bektash Shriner's seeking permission to conduct a circus at the JFK Memorial Coliseum on April 5, 6, 7 & 8, 2001 be granted and approved under the supervision of Police, Fire, Health, Parks and Recreation, Risk and City Clerk.

Alderman Levasseur moved to accept receive and adopt the second report of the Committee on Administration. Alderman Pariseau duly seconded the motion.

Alderman Levasseur asked does that bring in the big Shriner's Parade. Does anybody know that now or is that the annual Shriner's Circus or is this the big one that comes.

Deputy Clerk Johnson replied this is the circus they hold at the JFK annually.

Mayor Baines called for a vote on the motion. There being none opposed, the motion carried.

9. Communication from Deputy Clerk Normand submitting an Ordinance Amendment on behalf of the Committee on Administration and requesting immediate action for reasons noted.

"Amending Chapter 110: Licensing of the Code of Ordinances of the City of Manchester by replacing Section 110.23 Transfer of License and by replacing Section 111.53 Transfer of License of Chapter 111: Amusements."

Alderman Pariseau moved to suspend the rules and place the ordinance on its final reading by title only without referrals to the Committee on Bills on Second Reading and the Committee on Accounts, Enrollment and Revenue Administration. Alderman Shea duly seconded the motion. There being none opposed, the motion carried.

On motion of Alderman Levasseur, duly seconded by Alderman Sysyn, it was voted that the Ordinance be read by title only, and it was so done.

This Ordinance having had its final reading by title only, Alderman Lopez moved on passing same to be Ordained. Alderman Pinard duly seconded the motion. There being none opposed, the motion carried.

10. Communication from the City Solicitor submitting a proposed amendment to the Derryfield Park Tower Lease.

Alderman Pariseau moved that the Mayor be authorized to execute the amendment subject to the final review and approval of the city Solicitor and upon the condition that all costs associated with the installation be borne by the Tenant. Alderman Hirschmann duly seconded the motion.

Alderman Gatsas asked is there a revenue from this.

Mayor Baines asked the Clerk to advise the Board.

Deputy Clerk Johnson replied I'm not sure, I would say that it's a lease agreement...the City Solicitor has reviewed it perhaps he can address that.

Solicitor Clark stated I do not have the exact terms in front of me at the moment, but this is a tower that was built by the tenant and donated to the City and they do pay some rent.

Alderman Gatsas asked who has access to the tower.

Solicitor Clark replied it is coordinated through Water Works and Steve Morin at the Fire Department Communications.

Alderman Gatsas asked do they have any other tenants on there.

Solicitor Clark replied the exact term of the lease requires that a certain amount of the space be reserved for the City's use only and that they have the right to use a certain number of feet to place antennas. To sublease it out again I have to come back and get approval.

Alderman Gatsas asked do you know if they are subleasing it now, Tom.

Solicitor Clark replied off the top of my head, no, but I'll get you the information.

Alderman Gatsas stated I had asked Jay Taylor a specific question a few months ago about trying to find space that we may be able to use cell towers for the benefit of bonding school properties and I guess with what's in front of me I just want to know if there is a revenue source here.

Mayor Baines stated since we can't answer that would there be a problem tabling this till we get that information.

Solicitor Clark stated I don't know if there's a problem, I know that Verizon has been waiting to install the antennas they believe the eight foot antennas are necessary rather than the six foot ones that were originally agreed to.

Mayor Baines asked would you want to table it, Alderman Gatsas.

Alderman Gatsas stated my question is if it's just City use why are they looking to increase these from four feet to eight feet.

Solicitor Clark stated it's not just City use. These are antenna dishes used by Verizon for their wireless system and they do pay rent on it and they also built the tower and donated it to the City.

Alderman Pariseau stated maybe Deputy Chief Monnelly has the answer.

Deputy Chief Monnelly replied to the best of my understanding Verizon built that tower, they donated it to the City of Manchester and I think the stipulation was that they would have access to a certain portion of that tower. Currently, the Fire Department and the City of Manchester uses that for our 800 mhz radio system. Part of that agreement was that they would not interfere in any way, shape or form with that 800 mhz system. The land is owned by the City of Manchester and the agreement is signed between the City and the Water Works. The Fire Department takes care of the 800 mhz radio system and it's my understanding right now that Verizon is the only one on there.

Alderman Gatsas stated I would just like to see what the revenue stream is if there is one. Are you saying there is no revenue.

Deputy Chief Monnelly replied there is no revenue stream to the Fire Department.

Alderman Wihby asked is Verizon Wireless the same at Bell Atlantic Mobile...

Solicitor Clark replied they're all the same.

Alderman Wihby stated they're going to be using it for themselves and not going somewhere else to make money.

Mayor Baines called for a vote on the motion. The motion carried with Alderman Gatsas duly recorded in opposition.

- 11.** Communication from Timothy Clougherty, Facilities Engineer seeking approval of a contract between the City and Ferd Construction, Inc. (enclosed herein) and final commitment of funding in the amount of \$3,170,658.00 for construction of the Henry J. McLaughlin Middle School addition.

Alderman Wihby moved that the Mayor be authorized to execute said contract subject to final review and approval of the City Solicitor. Alderman Pinard duly seconded the motion.

Alderman Shea asked will this be a chargeback consideration in terms of the School Department and are they aware of that if, in fact, it is a chargeback.

Mayor Baines replied this will show up as their debt service, they understand pretty well.

Mayor Baines called for a vote on the motion. There being none opposed, the motion carried.

- 12.** Communication from Peter McDonough, Hillsborough County Attorney advising that his office does not have jurisdiction over the alleged charter violations, and, therefore, cannot render an opinion. Atty. McDonough further notes that Sections 8.15 and 9.04 of the City Charter contain certain procedures and mechanisms, which the Board can utilize in this instance.

Alderman Cashin moved to receive and file the communication. Alderman Pariseau duly seconded the motion.

Alderman Vaillancourt stated since this was my motion and since I actually sent it to Mr. McDonough at the request of Alderman Cashin I feel I should have been given the privilege...yes, you called me at home and asked me to make part of this motion going to Peter McDonough, so that is why I made...

Mayor Baines stated Alderman Cashin has called for a point of order.

Alderman Cashin stated, Steve, you called me and I said you could refer it to Peter McDonough if you wished because you didn't want to refer it to the City Solicitor; that is what I told you.

Alderman Vaillancourt stated well, let me continue if I may; that is not true, you were the one that recommended to me that it go to...

Alderman Cashin interjected I should have known better than to even talk to you, Steve.

Alderman Vaillancourt stated you should tell the truth...if you're telling me something...you called me and suggested it go to Mr. McDonough.

Mayor Baines stated please direct your comments to the Chair.

Alderman Vaillancourt stated I certainly didn't know anything about sending to Mr. McDonough; that was nothing in my mind whatsoever; that was a suggestion given to me by someone else and to otherwise suggest is to impune my honor and I really regret that that has to happen and since I made that motion and made it in an agreeable manner to your suggestion, Alderman Cashin, then I suggest that I should be given the opportunity to make the motion on what we should do with this next. Now, if you will refer to Item 12 the letter from Mr. McDonough he spells out three courses of action in this. One, receive from the City Solicitor. It so happens that I spoke with the City Solicitor, I believe it was last week and he promised me that he will have (in writing) this kind of recommendation spelling out why he did what he did. I think before we take any action on this we should have the dignity and honor of receiving his letter. So, if your Honor, will be proud enough to accept it I will offer a motion to table this until such time we get the written letter from the City Solicitor.

Alderman Levasseur moved to second the motion to table.

Alderman Hirschmann stated I read Peter McDonough's communication but all of you with a very good memory in the room remember this was jointly referred to our own City Solicitor and I don't see a report from our City Solicitor, it's suspiciously missing here. So, where's that.

Solicitor Clark replied, Alderman, have you read the Charter. The Charter says I will report back within ninety (90) days, I will do so.

Alderman Hirschmann stated oh, so we must table this, your Honor, to get his report.

Mayor Baines called for a vote on the motion to table. There being none opposed, the motion carried.

13. Bond Resolution:

"Authorizing Bonds, Notes or Lease Purchases in the amount of One Million Dollars (\$1,000,000) for the 2001 CIP Manchester Water Works, Distribution System General Improvements Project."

On motion of Alderman O'Neil, duly seconded by Alderman Wihby, it was voted that the Bond Resolution be read by title only, and it was so done.

Alderman Shea moved that the Bond Resolution pass and be enrolled. Alderman Lopez duly seconded the motion. There being none opposed, the motion carried.

14. Resolution:

"Amending the 2001 Community Improvement Program, authorizing and appropriating funds in the amount of Thirteen Thousand Eighty Dollars (\$13,080) for the FY2001 CIP 510601 Park Improvement Program."

"Amending the 2001 Community Improvement Program, authorizing and appropriating funds in the amount of One Hundred Fifty Thousand Dollars for the 2001 CIP 650701 Bond Building Renovation Project."

On motion of Alderman Clancy, duly seconded by Alderman Pariseau, it was voted that the Resolutions be read by titles only, and it was so done.

Alderman Pariseau moved that the Resolutions pass and be enrolled. Alderman Shea duly seconded the motion. There being none opposed, the motion carried.

TABLED ITEMS

15. Report of the Committee on Accounts, Enrollment and Revenue Administration

Recommending that the City request the State Legislature amend RSA 80:56 which would authorize cities and towns to charge a fee of \$50 plus all project, bank and legal fees for uncollected checks.
(Tabled January 23, 2001 pending presentation from the Finance Department.)

This item remained on the table.

16. Report of the Special Committee to Review Energy Contracts and Related Projects

Recommending that the Board of Mayor and Aldermen authorize the Mayor to execute the enclosed agreement with CHI Energy, Inc. relating to the management and operations of the Amoskeag Hydro Station, subject to the review and approval of the City Solicitor.
(Tabled February 6, 2001)

Mr. Sherman stated I talked to someone from Consolidated Hydro today. He has no problem leaving this on the table at this point; however, I have had concerns from several Aldermen that they have some questions that they may like to address and my thought was maybe we should be getting this back into the committee so we can address those issues there.

Alderman Wihby moved to remove item 16 from the table for discussion. Alderman Cashin duly seconded the motion. The motion carried with Alderman Hirschmann duly recorded in opposition.

Alderman Wihby moved that item 16 be referred back to the Special Committee to review Energy Contracts and Related Projects. Alderman Pariseau duly seconded the motion. The motion carried with Alderman Hirschmann duly recorded in opposition.

NEW BUSINESS

Alderman Lopez stated as you all know Intown will be voting later on this month...I think it's important that we send a signal to Intown that they restructure and not get rid of Intown and moved that the Intown Board not disband but continue. Alderman Sysyn duly seconded the motion.

Alderman Levasseur stated they're not voting to disband Intown. They are just going to start a new Intown, I thought that's what the original idea was.

Mayor Baines replied no they're voting to disband. The motion that was made was to schedule a vote to vote on the possibility of disbanding Intown. Alderman Lopez has offered a motion to refer to the Board not to do that.

Alderman Levasseur stated I was at that meeting also and whether they disband Intown...I don't like the message being sent out to the City of Manchester that there's not going to be an organization put in its place. There has been talk about...it's just that a bunch of the people on that board want to retire and move on and that name Intown may be disappearing, but there is going to be a new board set up. So, we're not losing an Intown, we're not losing an organization that's going to still stay Downtown...the Mayor and I have strongly opposed...we'll work together to keep going. We already have an Advisory Board in place, your Honor, that will just pick up the duties in the interim until a new organization is set up. So, I don't see what's the big deal. If those people want to vote to dissolve then they should vote to dissolve.

Mayor Baines stated I am a member of that board and I will be voting not to disband Intown. My motion will be to keep it in tact and they need to reconstitute itself and revigorate itself, whatever. It's just a motion on the floor to continue, okay.

Mayor Baines called for a vote on the motion. There being none opposed, the motion carried.

Alderman Lopez stated one other thing I think needs to be cleared up and Randy or the Chairman of the Civic Center Committee was here tonight at the public session and for clarification they indicate a million dollars more and I want somebody to explain that million dollars and how that came about. It sounds like the perception that the meeting here we were going to be putting another million dollars into it and that is not totally true.

Mayor Baines asked could you clarify that, Randy.

Mr. Sherman replied I was not at the Civic Center meeting last night, so the only report I got was actually out of *The Union Leader*, so I'm really not that familiar with that million, but my understanding is that is not a new million dollars that's being added to the project. But, I certainly can get a clarification for that and report back.

Alderman Wihby stated basically what there was was two budgets. A regular budget and a contingency budget and we knew right along that we were going to be spending the whole amount. What they did yesterday was they took part of the contingency budget and put it into the budget, so the price of the civic center has not gone up. As a matter of fact, they said they felt a lot better that they were going to come within the guidelines that the Aldermen had set. There was a problem early on and they weren't sure, but they said yesterday that they felt relatively good that they were going to come within those numbers. All the bids had been given out and the prices have been set, so unless there is something major that happens it's going to fall within the guidelines, but all we were doing was shifting money around and not adding any money to it.

Alderman Vaillancourt stated well, that's one way of looking at it isn't it, your Honor. I suggest we all watch the tape that Don Welch alluded to earlier tonight and we will watch Mr. Steve Stern sitting there with Mr. Clougherty and the MHRA lawyer and we will find that that is not the whole truth and we do, thank God for MCTV once again...they come to our saving grace again tonight. We will watch and say how that money was always supposed to be returned to the City of Manchester and never spent. Certainly, not spent this early in the process. So, we have it on tape and we'll review the tape and I wish we had a screen so we could watch it here tonight. But, we will go to the record and we will get that for you. So, we won't have to accept the report as the leaders that bought you

into this million dollars with a wink and a nod went out of here smiling saying we pulled the wool over their eyes again last night. So, we'll get the truth to that.

Alderman Gatsas stated I agree with Alderman Vaillancourt that MCTV will be a great asset to us again because if you listen to the explanation that they gave last night that million dollars that they put into contingency comes from additional savings, additional savings that they had on the bid process. So, the \$1.3 million that Mr. Stern and Mr. Scheer and we all understand belongs to the City is still in the builder's contingency. It's still there...this is an additional million dollars that has resulted in the savings. So, let's at least look at it with not rose colored glasses, but for what those gentlemen told us last night...that it's an additional million dollars, the \$1.3 million is still in their contingency and this is an additional million dollar savings that they turned over to the City to continue with the process. So, it's very clear on the tape, Alderman.

Alderman Hirschmann stated you told Hubie McDonough and Clem Lemire that on 3/20 which is today...this was the day that we were going to have the results for the senior survey and it hasn't been on our agenda and the seniors are wondering what's going on with our senior sites, so why didn't that make the agenda, your Honor.

Mr. MacKenzie replied there was no information as of last Tuesday when the deadline is. We have gotten a majority but not all of the information in today. The report is being assembled, there are a couple of issues I would like to still see resolved including potentially notifying some property owners before their name and property is revealed in the paper and dealing with certain sites. So, we are close to finalizing that, but I think it might be better if we had just a few more days to finalize it.

Alderman Hirschmann stated at our first April meeting we'll inform the public about the senior sites. Thank you.

Alderman Sysyn stated I wrote a letter to the Board on the elderly tax exemption. The City of Nashua is doing...they had a seminar on their elderly tax exemptions...evidently they're putting up their basic income that you can have with the elderly. As it stands now, \$18,000 is what a single person could earn in order to be exempt on their taxes in our City. But, Nashua is going to \$24,400 and if married they could have a combined income of \$33,400 and they could own assets not in excess of \$75,000 excluding the value of the home. In Manchester, ours I think is \$30,000 and moved that the communication be referred to the Committee on Administration/Information Systems. Alderman Pariseau duly seconded the motion. There being none opposed, the motion carried.

Deputy Clerk Johnson stated the Committee on Bills on Second Reading had met after the Board agenda deadline and we have some reports that are being submitted to the Board.

A report of the Committee on Bills on Second Reading was presented recommending that Ordinance:

"Amending the Zoning Ordinance of the City of Manchester by Revising Sections 8.05 and 3.03 to increase the allowed Floor Area Ratio for elderly building projects from .75 to 1.0 and to revise the definition of Floor Area Ratio to exclude parking garages from the calculation."

ought to pass.

Alderman Wihby moved to accept, receive and adopt the first report of the Committee on Bills on Second Reading. Alderman Cashin duly seconded the motion.

Alderman Wihby stated this was something that should have passed with the Zoning Map...they had forgotten it and we'd also like to suspend the rules and place it on its third and final reading.

Mayor Baines called for a vote on the motion. There being none opposed, the motion carried.

Alderman Wihby moved to suspend the rules and place the Ordinance on its final reading by title only without referral to the Committee on Accounts, Enrollment and Revenue Administration. Alderman Cashin duly seconded the motion. There being none opposed, the motion carried.

"Amending the Zoning Ordinance of the City of Manchester by Revising Sections 8.05 and 3.03 to increase the allowed Floor Area Ratio for elderly building projects from .75 to 1.0 and to revise the definition of Floor Area Ratio to exclude parking garages from the calculation."

On motion of Alderman Wihby, duly seconded by Alderman Shea, it was voted that the Ordinance be read by title only, and it was do done.

This Ordinance having had its final reading by title only, Alderman Wihby moved on passing same to be Ordained. Alderman Lopez duly seconded the motion. There being none opposed, the motion carried.

A second report of the Committee on Bills on Second Reading was presented recommending that Building and Fire Code Ordinances:

"Repealing the 1987 BOCA National Building Code as adopted in Section 151.01 of the City of Manchester Code of Ordinances, and the Housing Code as adopted in Section 150.001 of the City of Manchester Code of Ordinances, and adopting the 2000 editions of the *International Building Code*, *International Property Maintenance Code*, *International Mechanical Code* and the *International Fuel Gas Code*, as well as the 1999 edition of *The National Electric Code* and the 1993 edition of *BOCA Plumbing Code*; establishing minimum regulations governing buildings and structures; and establishing fees for the issuance of permits and certificates for the construction and occupancy of buildings and structures."

"Repealing the *BOCA/National Fire Prevention Code*, 1990 adopted in Section 92.05 of the City of Manchester Code of Ordinances, and adopting the 2000 edition of the *International Fire Code*, regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises in the City of Manchester; and providing for the issuance of permits and the collecting of fees for hazardous uses or operations.

be referred to a public hearing on Monday, April 23, 2001 at 7 PM in the Aldermanic Chambers of City Hall.

Alderman Wihby moved to accept, receive and adopt the second report of the Committee on Bills on Second Reading. Alderman Shea duly seconded by the motion. There being none opposed, the motion carried.

A majority report of the Committee on Bills on Second Reading was presented recommending that a request to place proposed amendments to the City Charter, as enclosed (relating to the school district), on the ballot of the Municipal General Election to be held on November 6, 2001 be denied.

A minority report of the Committee on Bills on Second Reading was presented recommending that a request to place the proposed amendments to the City Charter, as enclosed (relating to the school district), on the ballot of the Municipal General Election to be held on November 6, 2001 be approved. Signed by David Wihby, Alderman of Ward 1.

Alderman Cashin moved to accept, receive and adopt the minority report of the Committee on Bills on Second Reading. Alderman Wihby duly seconded the motion.

Alderman Wihby stated the minority report basically is saying that we let the citizens speak then place the Charter change on the November 6th ballot. Your Honor, you yourself have said that you're going to open the doors of City Hall, you're going to change the way the City was doing business; that you wanted inclusion, not exclusion...you had neighborhood meetings looking for the impacts of the neighborhoods

and what they meant...you said that citizens should come up and say what they want...we had some discussion the other day, your Honor...this isn't a Democrat/Republican issue, it's not a School Board/Alderman issue, it's not a Mayor/Alderman, it's not City versus School...this is a common sense issue. This is common sense because we're talking about consolidation of administrative services. I know in the budget process you looked at consolidating Health Department, Youth, Elderly, EAP to save money, to get a better organization there and this is no different. This is doing the same things. It's allowing the School to be called a department and the City to be able to take the administrative resources that we have within the City and letting School use them. Again, this only makes the question on the ballot...the Aldermen aren't deciding the issue, nor should the Mayor with a veto this evening decide the issue. This should be...if this does pass...I think that the reason for this is because the Aldermen are saying not that they agree or disagree, they're saying we're going to give the citizens of Manchester a say, we're going to let them decide the issue; that is all we're saying by passing this today and I would hope that you don't veto it when it comes up to the vote and would ask for a roll call.

Alderman Lopez moved to table the minority report until the full Board is present. Alderman Shea duly seconded the motion to table. A roll call vote was taken. Aldermen Wihby, Gatsas, Levasseur, Sysyn, Pinard, O'Neil, Vaillancourt, Pariseau, Cashin and Hirschmann voted nay. Aldermen Clancy, Lopez and Shea voted yea. Alderman Thibault was absent. Motion to table failed.

Alderman Cashin stated I have a great respect for the Alderman from Ward 1, he knows that and we have friendly discussions every so often, and I understand what he's trying to do here, but with all due respect what he is suggesting is not going to solve the problem. For the last three years we have been talking about paybacks and all this stuff and it's caused nothing but aggravation between both Boards...I'd like to recommend, if it's agreeable to this Board, that our City Solicitor sit down with the School Board's Attorney and see if we can't work this out. This is no longer financial, it's now legal and if the Board would only allow that to happen and if by the next meeting they can't come up with something then I probably would support Alderman Wihby's motion, but in the meantime I'd ask if we could just table his motion this evening, allow the two attorney's to get together and see if they can't work this out in some harmonious manner. We cannot continue this way, it's got good for the School Board, it's not good for the Board of Aldermen, but most of all it's not good for the City of Manchester, it has got to stop.

Alderman O'Neil stated I will not support Alderman Wihby's report tonight, but he does bring some very good points and I think a lot of them come out of frustration. This chargeback system that has been set up hasn't created better services to the students of

our School system or the taxpayers. I think back to the old days when things were a lot more effective and we got more work done. The lawyers from the City and from the School District are heading in opposite directions and certainly on the School side that is costing the taxpayers money. The accountants are heading in opposite directions and if we take into account all of the time spent by City staff and School staff that costs the taxpayers money. I agree with Alderman Cashin this is starting to get to the point of where I think if it continues Alderman Wihby's proposal will pass unanimously here. It cannot continue going on the way it is and I certainly appreciate the comments by Alderman Cashin and I'll support his motion on that.

Alderman Hirschmann stated I advocate a public hearing for the people because Mayor Baines, himself, has spoken many times of the lack of dollars getting down to the classrooms and what we want to do as good Aldermen...the amounts of dollars going into the attorneys, into administration, into accounting...those can be saved and this is just a measure to make sure that that money instead of going into an accountant's or attorney's pocket gets into the classroom and I commend Alderman Wihby and the people that think in this manner. We're taken to task over and over and over again for not thinking of schools. Well, guess what, we're thinking of schools, we're trying to get the money into the classrooms and that's why I am supporting a public hearing.

Mayor Baines interjected I think we've had the public hearing. I don't mind having another public hearing...

Alderman Levasseur stated I agree with Alderman Wihby on this. We rarely have broken Noah's Ark in the City since we now have developed a system where there are two of everything and it's costing us twice as much than it has too and I concur with Alderman Hirschmann that we should be putting more money into our facilities and into our students. During the Finance part of this meeting, your Honor, the word "department" came up a couple of times concerning the schools...they were once known as a School Department, when was that.

Mayor Baines replied the clarification in that...it has been called a department many times. In fact, the cases that Mr. McDonough cited to eloquently was when the wording was in the Charter which called it a department, referred to a department, was set up like a department...the courts still ruled that it was a "district". So, it goes back in history...the Charter...Tom, you might correct me if I'm wrong...the Charter...just to clarify things because this is an important point. When we, on the Charter Commission, in 1996 we did not change any of the wording on the old Charter, we kept it exactly the same. We did not change one word from the previous Charter. My guess is the reference probably changed in the revision of 1984, Tom.

Solicitor Clark replied I believe that's probably where it happened.

Mayor Baines reiterated that is probably when the reference changed and my recollection going back that far is it was changed in recognition...I don't know the rationale of the court decision, but they said it didn't matter what you called it, a department...I suppose you could call it a duck, you could call it whatever you want...the State law says it's a School District. So, that's the essence of the dilemma.

Alderman Levasseur stated it is kind of interesting...we have an opportunity here to stop taking taxpayer's for granted and do it right and do the system right and by putting it under one financial authority, we don't have the blame game, your Honor. Half the battle...we've been here what 16 months and all of this has been about...it's not the Aldermen and the School Board, it's the two finance gurus from each district battling each other over and blaming each other. We need to have one person in charge of the numbers, so that we can hold one person accountable. As you Aldermen all said here we don't have anybody that we can hold accountable because they each played a ping pong game where they smashed back the ball to each other...you take it, no you take it...and, here we are. It seems like eons ago we started talking about this.

Mayor Baines interjected it's about 103 years.

Alderman Levasseur stated well, that's what it feels like. It feels like we're going 25 miles per hour with this. So, I'm going to support Alderman Wihby on this one.

Alderman Shea stated I think that when we talk about helping taxpayers we should examine ourselves. Not that the School Department is possibly overspending, but let's be serious about things. We added personnel to different departments whether it be Human Resources, whether we retain the same amount of personnel up in Finance...we have an accountant at the Highway Department, we have an accountant at the Police Department, we have an accountant at the Fire Department, we have accountants in every single large department. We have an accountant up at the Parks & Rec Department, so let's not say that this School Department is the only department that is overstaffed, has too many administrators...we're looking out for the taxpayers...we beat on the School Department, let's be honest, let's examine all of the departments. We have someone that just resigned from the Human Resources between sixty-nine and seventy-five thousand...let's do away with that position, let's promote from within; that is one way we could save seventy-five thousand. Now, the point of the matter is this. The lawyer for the School Department indicated and Brad Cook a personal friend of the present Mayor indicated that you can change what we call in philosophy the form, but not the substance. In other words,

substantively the School Department whether we make it a department or whether we make it a district is going to stay the same. I have to put and I have to give applause to the Chairman of our Board, Alderman Cashin. He has done a tremendous job trying to resolve the problem with the Welfare Department and his suggestion makes a lot of sense, let's use common sense, let's have the lawyers get together. Let's see if they can resolve the problem. If they can't and if there is a problem, let's then go to the next step. I applaud Alderman Wihby, he's trying hard in his own way to bring some kind of closure to this; that is the key word today...everybody wants closure to everything. So, basically, let's work together as a body here and let's not start taking pop shots at the School Department when there's a lot of difficulties existing because we have been at odds with them and they with us for the last several years. Let's try to be thinkers and not doers and let's think through the process. Thank you.

Alderman Vaillancourt stated I guarantee you I have thought through the process and with so much applause going on, I hate to join in. The vote will not be 7 to 7 on this one tonight since there are only 13 of us here, I guess that's the good news. All the arguments have been made and I really enjoy listening to the arguments, but I think we should come back to this basic premise. We're not deciding this. All we're doing here tonight is deciding whether or not we're going to let the people decide it and I have never in my almost 50 years on this planet seen such a reluctance to let the people will be heard. We won't let the Aldermen-at-large go to the people, we won't let this go to the people...I'm not afraid of the will of the people, I'm simply not. I don't always agree with them. I didn't agree with them with their vote on the civic center, but I respect the will of the people, I respect them to do the right thing and the fact that we could be saving money in the Human Resources Department, believe me I will vote to do that doesn't negate the fact that we should be trying to save money for the people in every way possible and I don't buy School Board Member Cook's argument as I alluded to the other night that systems don't matter, systems matter a great deal...that is why this country is running very well under our constitution and it did not run well under the Articles of Confederation back in 1785. If this needs to be corrected, the people will tell us. We can correct it and we shouldn't listen to the threats of the School Board attorney's. If they want to wear the black uniforms, let them, but let us wear the white uniforms. As Mr. Girard pointed out the other night if we need legislation to make this right, we can get the enabling legislation. Let's put this to the people and let them decide and not think that we have the ultimate answer although we're certainly wise in our own rights.

Alderman Lopez stated I'd like to echo Alderman Shea's words without repeating them, I think he said it very good and I also would like to echo the Chairman of the Board...I think we have to take the last step...as we said earlier to find out the details of the financial situation. The last step of trying to work and get straight answers from the

School Board. Yes, Alderman Vaillancourt, it could go to the people but I don't think we have totally done our job to try and solve this problem before we send it to the people. A referendum question becomes a political who's who...vote yes, vote no...all the signs go up. It is our responsibility to try to solve the problems that are dealt us. This is a problem that has been going on for a long time and I think that the attorney for the School Department did an excellent job in presenting his viewpoints. I don't think, with all due respect, that our attorneys have not rebutted any of that other than saying we can go...naturally, we can go to public hearing and we can put it before the people. But, we haven't received all of the facts in order to make a good decision and I just want to echo the sentiments of Alderman Cashin and Alderman Shea, I think this is too much time wasted on it.

Mayor Baines stated I think people pretty much know how they're going to vote and pretty much know what I'm going to do, so I'm willing to go further here.

Alderman Wihby stated that it's been said here that the School Department attorney has explained very good what consequences we have, but at the same time our City Solicitor who we go by and we usually follow has told us that on our side and he's put this document together that this document does solve the problem or could solve the problem, no one knows we're going to end up in court, we're going to court anyway, it doesn't make any difference. But, he's saying this was done properly that could make them a department and we would have some say "administratively". Your Honor, you came up with a compromise last time on trying to get the attorneys to go in together and go to a judge and be together and my understanding is that they can't even do that, so why do we think that we can get the attorneys now to get together and do that. If we want to compromise, if we want to do this right and we want to see if we can work with the School Department, my suggestion is and I'll change my motion, your Honor, would be that we go ahead and pass this today, from here it goes to the Attorney General before it goes on the ballot, in the meantime, after we pass this today we'll work with the School Department, we'll get them to talk to our attorneys and put everything together and then from there if everything works out fine, we'll rescind it and won't put it on the ballot. We would have had the Attorney General look at it, we would have taken the next step, we would have tried to work with the schools and if you Aldermen who are against this say let's work with the schools and really mean that and not trying to postpone this to another vote because we have fourteen Aldermen there...you'd support the compromise and say okay, fine and in the meantime we'll try to work together and try to do it and if not I'm going to support Wihby and I'm going to go ahead with this amendment...that's what I heard today. I will amend the motion as it is unless someone wants to agree and I'll amend the second part and we'll say we'll look at it again and if we can get together with the attorneys and everything is fine...I'm make the motion myself to rescind it, but until

that time, your Honor, I'd just as soon go forward with the vote and I think all we're saying is put it on the ballot.

Alderman Clancy stated with the modern technology nowadays do we really need all these accountants throughout the City, every department has an accountant, accountant, accountant. Why don't we just have one major department here instead of the School Department with their own Human Resources, we have our Human Resource, they've got their lawyers, we've got our lawyers...it seems like lately all we're doing is bickering back-and-forth between chargebacks and this and that, I don't know how much we're spending on these lawyers arguing over this stuff, so I, myself think right now...I'm thinking about going Alderman Wihby's way because of the costs involved here to the taxpayers.

Alderman Gatsas stated do I understand my colleague from Ward 1 that he is willing to amend his motion to include that if the attorneys come to a compromise...

Alderman Wihby replied I have no problem to working with the School Department and having them come up with the same objective that Alderman Cashin did except that we know that it's going to put a little pressure that the attorneys are going to get back together, sit down and come up with a conclusion to the satisfaction of everyone concerned and if we go ahead and do this and I have no problem with amending it to say that if the attorneys sit down and get together and everything's fine that I'll rescind it myself. I'll make that motion, your Honor.

Alderman Gatsas stated do I understand from the esteemed Chairman of this Board that he's willing to go along with that.

Alderman Cashin replied I don't think I've said anything yet.

Mayor Baines asked I'd like to know what is the definition of that, Alderman, "if they work things out", define that.

Alderman Wihby replied saving taxpayer money, your Honor. Consolidation, using the resources that we have and saving money so that money goes to books and teachers and facilities and everything else that should be rather than duplication of services.

Alderman Lopez asked how can the attorneys do that when the governing body is the fourteen School members.

Alderman Wihby stated you just said you endorsed Alderman Cashin's proposal.

Alderman Lopez stated I endorse his proposal if the attorneys can get together and the fourteen School Board or a majority of the School Board members agree to the terms of the agreement whatever the terms may be. The two attorneys can't make that decision, they are still governed by the body of the School Committee.

Mayor Baines interjected you still have State law.

Alderman Shea stated I'm a little bit confused because I thought that when there was a discussion here the attorney for the School Department and I guess the City Solicitor's Office that there were certain types of issues that were going to be discussed at either Superior Court and I know that possibly you haven't had briefs, but are we going into uncharted waters here in terms of we're going to propose that there is going to be a referendum placed on the ballot which the citizens will then make a decision on and then the courts will be rendering (one way or another) whether or not it's a "department" or whether it's a "district" and then the vote will be dividing the community because it's going to be quite a controversial issue. Most of the people that support the schools are going to vote (obviously) one way and those that are in taxpayers mode or whatever will vote the other way. But, the point of the matter is that will the courts oversee or overrule any decision that may be made by means of a referendum, can you answer that or is that possible. Can the courts, in essence, say look the referendum is non-sequitor, it does not follow in Latin.

Solicitor Clark replied the courts do have the authority to determine that the referendum is unlawful. The situation if it goes to a court hearing, the court will be looking at the law as it exists. Now, whether you pass a referendum or not that is what the court will look at. While it's looking at that the court will issue a ruling as to whether or not they believe that law is constitutional or whether it is unconstitutional. Yes, the court always has the authority to rule that a referendum that is passed is not lawful.

Alderman Shea stated so the final decision really rests with the court, Tom, is that correct.

Solicitor Clark replied naturally, yes.

Mayor Baines stated the situation as you know is that we had a Charter that was passed by the voters several times that said it was a department. It went through a referendum, it went through public hearings, and was passed by the voters and there have been court decisions after court decisions after court decisions that have said, in essence, and the wording was " it doesn't matter what you call it" State law defines it as a School District.

The only reasonable course of action that's going to keep us out of the courts is in fact to change legislation, that's it. So, let's not waste time in any other way, that is the way to change it and there's a way to do that...we certainly have enough people in the Legislature, but that's what happened. The courts have ruled...they overturned our Charter in the McDonough case, they ruled consistently once again even after we changed it to "district" it was still challenged, we had it "department" They said you can't it's a "district". When we called it a "district" and the City took the position that it was a "department" they still said it was a "district"...it's consistent with State law, there's a case in Rochester (John Shaw) Tolman vs. Shaw, I believe, the same issue in Rochester. It was a department, they called it a department, the charter said it was a department...it was a district.

Alderman Wihby stated the attorney is going to start that in the meantime, he's going to look at that to see if it has State law or not allowed...and he's going to get back to us and let us know that opinion.

Alderman Cashin asked would the Alderman from Ward 1 table his motion until the next meeting allowing the two legal beagles to get together and see if they can't...and that's really putting them under a time date, they'll only have fourteen days to work it out and the questions, I think, that have to be answered to this Board are the chargebacks, it seems to be that that is the hangup...give them an opportunity and just give them fourteen days and if they can't do it in fourteen days bring your motion in, David, and I'll support it. If this question goes on the ballot it is going to split this community in half, I think, you're going to have the young people with children in school voting one way, you're going to have the elderly with no children in school voting another way and nothing is going to be accomplished, it's going to be one mess.

Alderman Gatsas stated if the Alderman from Ward 1 is willing to make his motion to amend with a caveat that we go and allow the attorneys from both sides to deal with this...and I'll be more gracious than you've been and I'll give them until August 1st or September 1st which gives them five months to work it out. By then, we will get the Attorney General's opinion on whether this is legal or not, it gives us enough time to get it on the ballot and it certainly gives the two legal opinions more than adequate time to get together and meet more than the two week period.

Alderman Wihby stated I have not problem with doing that, your Honor, leave the motion as it stands and give them until August 1st for the attorneys to get together...there is nothing wrong with that. If we are truly trying to solve the problem and get the School Board and the City to sit down and do this there is nothing wrong and I'll amend my motion to that.

Alderman Cashin stated the question here, Alderman, is are you looking at the same things that I'm looking at. I'm looking at solving the question of the paybacks; that is what I think is the most important "chargebacks", is that what you're looking at too.

Alderman Wihby replied I'm looking at if they were a department we wouldn't have to have chargebacks anymore, we wouldn't have to do all of that additional billings and charges because they would be a department like everybody else and we wouldn't have to do any of that stuff anymore.

Mayor Baines asked can I have some point of clarification. Didn't the chargebacks start when you were considering it a department.

Mr. Sherman replied you always had chargebacks. When you set the property taxes you set a City rate and a School rate, so there was always a chargeback issue. You take the nurses out of the Health and put them on the School side. The only issue now is now it's real cash and there's money going back and forth and it has an impact to the bottom line. As a separate entity the School District is obviously watching their expenses, but you've always done it.

Alderman Wihby stated we're looking now at the bottom line to see how we're doing...are we looking at a school number in the City. Before we all had one number, we knew if we were balanced or not. Now, okay we've got you're in the minus and the City's in the plus. Now, do we want to transfer the money or don't we want to transfer the money. As a department, again, they would be like every other department...that number would be one again.

Alderman O'Neil stated I don't believe that previously there were chargebacks we used to carry on the City side school nurses, a certain dollar figure for Parks & Rec to maintain fields, there used to be a dollar figure...I want to say three or four hundred thousand dollars for use of the Parks & Rec facilities...my personal opinion, this chargeback costs money, in my personal opinion. Remember one thing, it's all coming out of the same pot anyway you look at it.

Alderman Shea stated this is just a comment. I don't know how to be charitable here, but I've been working about two years in terms of trying to solve the senior center, we can't wait two weeks in order to resolve this, I don't get it. It doesn't make sense to me that we shouldn't wait a couple of weeks to see if we can resolve this. I don't mind supporting...you Republicans can talk all you want about saving the taxpayers, but I'm probably the most conservative guy all around here. My point of the matter is that why

don't we use common sense. Alderman Cashin has tried to resolve the problem and he is correct in stating that there will be a division in our community here. The implications are not so much a dollar and cents, it's a political issue, that is what it is going to boil down to and we have to be careful about things and I totally agree that we should support a referendum if, in fact, it needs to be supported and I'm not opposed to that, but the point is why do we have to do it tonight without trying to resolve it the way the Chairman of the Board has...he did a good job with the Welfare Department, in my opinion, things are going pretty well there. Why don't we give him a chance here.

Alderman Levasseur stated this argument that the Charter is static and whoever the nine or ten who were on the Charter changed the Charter were the greatest and the smartest and intelligent people we've every heard of...give me a break. The Charter just because it was voted in at one time doesn't mean it can't be changed, I'm tired of that argument because we all know we change the Constitution many times and there were some intelligent people working on that. But, let me give you all a history lesson and I spent quite a few years in Graduate School. And, the two giant companies we all talked about is "IBM and Digital". IBM is a very centralized management style whereas Digital was a very decentralized management style and IBM is still in business today with a centralized management style that keeps everything under control, has one financing autonomy over all of their businesses whereas Digital was decentralized and if you go look at the Stock Market today they're not selling any Digital stock. Decentralization rarely, rarely works. It only works when it's a start-up company and there's a small amount of people working. We have a giant company here in the City of Manchester and it needs to be run a lot more intelligently. The other issue is accountability. It's the Aldermen who always, always take it on the chin because we have bottom line control. When the School Board can just come out and throw a number at us, but then we always have to come in and tear it down. If you want to try something different, if you want to try something for a change and I bet you none of you agree with this...why don't we let them have taxing authority, let them send out the tax bill, what do you think of that, your Honor, they do it in Concord.

Mayor Baines stated some school district's do that, that would be up to the voters, want to put that on as an amendment. You could put that amendment forward. Again, I want to remind people...I think everything knows how they're going to vote, everyone knows what the outcome is going to be and if they want to prolong it, everybody has said it except every hasn't repeated it.

Alderman Lopez stated before I vote on this I think it's important that we hear from the attorneys. We're saying something here and we don't have any authority over the attorneys for the School Department and I'd like to hear their opinions as to what we want them to really do. I just don't understand how the two attorneys can get together and then

the School Board says "that's it"...what do you expect the attorneys to do and I would respectfully ask that they could speak to give us some input here.

Mayor Baines asked, Mr. Clark, would you like to take a stab at that.

Solicitor Clark stated I would have to defer some of the questions that the Board has brought up as to exactly how we approach in the discussions, but I am happy to meet with Attorney Eggert to discuss these matters and see if we can come to a resolution. In fact, he and I have a meeting scheduled for two-thirty tomorrow afternoon for that purpose.

Alderman Wihby moved to amend the motion by continuing to place this on the ballot in November with the caveat that in the meantime we give the School Department and the attorneys and our attorneys and School Board and the Aldermen to work together and to come up with something by August 1st and do so in the spirit of cooperation and compromise. There are a few members who have said that they were willing to wait and would endorse the concept in a couple of weeks, I think we can proceed with this vote and give them until August to work this out. They are not going to do it in one or two days, they're not going to do it in two weeks. They've been working on it right along and when we thought we were working with them we weren't working with them, so let's put a little pressure, let's go ahead and do this and let's let the Attorney General look at it and rescind it if we have to after August 1st, but this gives them until August 1st to work it out, your Honor.

Alderman Pariseau duly seconded the motion to amend the motion.

Alderman O'Neil stated wasn't there some discussion that if it went to the Attorney General's it goes on the ballot; that wasn't discussed the last time we went through this process.

Solicitor Clark replied the Statute says if it does not qualify, it does not go on the ballot. The Statute is silent as to whether or not this Board has the authority to withdraw from the ballot once it's placed on the ballot. We've discussed the fact that the Statute is silent, I believe this Board would have the authority to withdraw it if they wished.

Alderman Wihby moved to the question stating everybody knows how they're going to vote anyway. Alderman Levasseur duly seconded the motion. Mayor Baines called for a vote on the motion to move the question. The motion carried with Aldermen Sysyn and Vaillancourt duly recorded in opposition.

Alderman Lopez stated Alderman O'Neil asked a good question there and you said "believe". If it goes up to the State and the Secretary of State stipulates it goes on the ballot, is that what you're saying...you said "believe".

Solicitor Clark replied no, I said under the Statute it goes to the Secretary of State, the Attorney General, and the DRA. They all have the right to say it does not go on the ballot. I believe this Board...the Statute is silent...and in my opinion this Board would have the right to rescind their vote to place on the ballot.

Alderman Vaillancourt stated I had a question I tried to ask about ten times over the last fifteen minutes, so I will ask the question now. My colleague to my right suggested June 1st, Alderman Wihby has suggested August 1st...my question was to the City Clerk's Office...if we wait for August 1st will we still have time to get this on the ballot. I know that as a person who deals with election law it takes time to get the ballots printed. Is this suppose to go on the Primary ballot or the November ballot.

Deputy Clerk Johnson replied it's scheduled for the General Election which would be held in November.

Alderman Shea asked when is the latest date you can put it on the November ballot.

Deputy Clerk Johnson replied probably by mid-September at the latest we would have to have it.

A roll call vote was taken on the motion to amend the motion to accept the minority report by adding to allow the attorneys for the School Department and the City to sit down and meet and to allow the School Board and the Aldermen to work out something of a mutual satisfaction by August 1st at which point there would be a motion to rescind if that had met the satisfaction of both Boards. Aldermen Wihby, Gatsas, Levasseur, Clancy, Pinard, O'Neil, Lopez, Vaillancourt, Pariseau, Cashin and Hirschmann voted yea. Aldermen Sysyn and Shea voted nay. Alderman Thibault was absent, the motion carried.

Alderman Wihby requested a roll call vote on the main motion to accept the minority report as amended.

A roll call vote was taken. Aldermen Wihby, Gatsas, Levasseur, Clancy, Pinard, O'Neil, Lopez, Shea, Vaillancourt, Pariseau, Cashin and Hirschmann voted yea. Aldermen Sysyn voted nay. Alderman Thibault was absent, the motion to accept the report as amended carried.

Alderman Wihby asked knowing what we want to do and sit down with the School Department and the attorneys and that we want to save money administratively can we have a hiring freeze on anything that is going to be duplicated so that we don't have to lay off people.

Mayor Baines replied well we're looking at...because there is something I do want to add to this discussion. What we're looking at right now including some of the things that Alderman Shea talked about this evening in terms of not filling some positions and making some recommendations regarding that, we're also looking at staffing in various departments...those in which we...so we are looking at various scenarios such as what Alderman Shea brought up in terms of looking at some opportunities to cooperate. I welcome this from this perspective. I don't think it takes a Charter amendment for its cooperation. What it takes is a willingness to get together and look at some issues that Alderman Cashin talked about. However, in order to emphasize my concern about the issue and we talked about accountability today in dealing with some of the issues we're talking about with deficits and the like I would also just inform the Board that we are looking at adoption of provisions of the Municipal Budget Act (copies distributed to Board members) which would establish accountability and we may be coming to the Board at the next meeting after the City Solicitor has a chance to research it and looking at applications of the Municipal Budget Act which would allow us to adopt the provisions and would establish a penalty for overexpending budgets because the concern that I have had right along is we are going to have a deficit. We are going to have indications that were delineated at the School Board meeting which Alderman Gatsas referred to indications that money was spent in excess of appropriation without authorization and that is a very serious matter in my perspective. So, we're going to be looking at the possibility of amending our Charter, looking at adoption of parts of the Municipal Budget Act that would state that any person or persons violating the provisions of this subdivision and I've attached with you limitations on expenditures which delineate the responsibilities of selectmen, school board members, administrators, employees, etc., etc. that you cannot exceed the appropriation that you receive. It sounds pretty fundamental doesn't it. But, there aren't any teeth in it so we are going to look at seeing if this would help us establish the penalty clause which would state that any person or persons violating the provisions of this subdivision, which I just referred to, shall be subject to removal from office on proper petition brought before the Superior Court. So, we are exploring that...looking at establishing some kind of accountability and we will get back to you after the City Solicitor has had a chance to review it.

Alderman Wihby stated if we are going to sit down with the School Department and work out something with them and they're going ahead and hiring personnel and we're

going ahead and hiring personnel and then eventually we're going to come to terms where we're going to use one source we're going to end up laying off some individuals, so I think in the meantime while we're negotiating and trying to work this out where we can get one system in place, I don't think there should be hiring on either side as far as any unfilled positions.

Mayor Baines stated all we can do is recommend on that side, as you know. I can freeze on this side.

Alderman Wihby stated they have to know that this Board wants to work with them and if they're going to start filling positions that's going to be contrary to August 1st.

Mayor Baines stated I agree and we'll bring that up. The thing that is important to note here...we do have the spirit of cooperation as it exists with other departments in the City such as with the nurses, Parks & Recreation...I don't see why we can't with that...Human Resources and other aspects of sharing costs and responsibility. But, as Alderman Cashin says first of all you have to have the willingness to sit down and develop that spirit of trust and allow that to happen and I think that is what Alderman Cashin was coming from on this and we have discussed it in terms of...at the end of the last meeting...I'm trying to bring that spirit together and we'll continue the discussions with the Chair, but I think it's very important to look at accountability in terms of this issue, as well. So, I appreciate your comments.

Alderman Levasseur stated I see this source was effective August 28, 1993 and the Charter...you people sat and did the Charter in 1996 or 1997 and you didn't put this into the Charter at that time.

Mayor Baines stated we talked about that, we don't have the whole history on that yet. Mr. Clougherty and I sat down and just began our discussions about this yesterday and looking at the input and how it occurred or what occurred, but notwithstanding that I'm not sure this is the solution...whether it will cause the effect that we're looking at, but we think it's worth exploring.

Alderman Levasseur stated I would like to say that you have in big, bold letters here from the Office of the Mayor and in big bold letters and underlined it says "Proposal Charter Amendment". For a year and six months now I've been hearing you and Alderman Lopez say the Charter is perfect as written and I've been saying the Charter is not perfect as written and here you are, your Honor, proposing a Charter amendment. What does that have to say...that everybody who wants a Charter amendment is wrong.

Alderman Lopez stated this Aldermen has never said it was perfect.

Mayor Baines stated you know the interesting part that I find with this Board...we just reached a spirit of compromise, we looked at addressing an issue, we looked at some supporting document to it and now we have to try and find a way to try and divide. Let's move forward.

Alderman Vaillancourt stated this is why we have reached this impasse again because I would be shouted at from my left and my right across the room if I brought something in at quarter-of-ten at night, that nobody had seen before, but Alderman Levasseur is totally right...we've heard from the Chair and from the At-large Alderman that this is an immutable Charter, a document that dare not be touched or else the whole house of cards will come toppling down, but when it's somebody else that wants a Charter change fine, let's go ahead, let's throw it at us at ten o'clock at night. This is why we have this problem.

Mayor Baines stated this is for informational purposes.

Alderman Cashin stated first of all nobody is asking anybody to vote on this or act on this or anything else. It's strictly informational to take home, digest and then the City Solicitor is going to come back and talk about it. It's nothing you have to vote on.

Mayor Baines stated this is usually the time we're just finishing the Consent Agenda, so I thought it was a great time.

Alderman Hirschmann stated the way this is worded it says "remove from office", so I guess you're talking elective office. So, this is just like a recall provision on the School Board.

Mayor Baines replied it's a provision that's in the Municipal Budget Act and again we're just exploring it...this isn't the wording...it refers to others also...Mr. Clark and I talked about it a little bit...it does talk about district commissions, other officers, employees, it also goes within that limitation.

Alderman Pariseau moved to adjourn. Alderman O'Neil duly seconded the motion.

Discussion ensued relative to adjournment of the meeting.

Motions to adjourn were withdrawn.

Alderman Vaillancourt stated I don't think this should be under new business. On March 12, 2001 I wrote a letter to the Board of Mayor and Aldermen through the City Clerk's Office that I think should have been put on the regular agenda notifying this Board that Roland Beaupre a State Representative from Ward 8 which my Ward has resigned his office as one of 400 members of the State Rep delegation and one of 36 members of the Manchester delegation. It is, therefore, the responsibility of the Board of Mayor and Aldermen to schedule a new election. Some people would believe that we should schedule it as soon as possible so that we may fill that seat. My contention is that since we're already into the middle of March this election would not be able to be held until probably early June, the Legislature will probably be winding down at that time. To avoid the cost of a new election for the City of Manchester, also to have a better turnout in Ward 8...I noticed Nashua just had a special election which only had about 85 votes for the winning candidate, I would suggest that the Board of Mayor and Aldermen determine that we will not have a special election immediately, but will have the special election for the Ward 8 State Representative seat during the City side election in September and November and moved that the Board of Mayor and Aldermen instruct the City Clerk to begin the process of setting that election in motion. Alderman Hirschmann duly seconded the motion.

Mayor Baines asked Deputy Clerk Johnson to comment.

Deputy Clerk Johnson stated I am familiar with the fact that there was a letter that was sent to the Clerk's Office and I wasn't there at the time when Leo usually addresses these matters and I would just advise that if the Board wanted it, it could request through the Secretary of State's Office to have that election be held in November or on the same dates at the primary and the general and set the filing periods accordingly. But, we don't have the authority to order that, we have to request that through the State process and I guess if you want the Clerk's Office to proceed on that basis...

Alderman Vaillancourt stated that was my motion, to set the process in motion. Considering two Republicans or two Democrats file for the seat or two Independents you would have to have a primary election and then you would have to have a general election after. You could set in motion so that you could have it on the September Primary and General, so it wouldn't cost the City anything because the voters would be turning out anyway.

Alderman Pariseau stated I think if we did that the voters of Ward 8 would be shortchanged.

Alderman Vaillancourt stated I tried to explain that.

Alderman Pariseau stated I know that, but in the interim when we're talking about the school funding issue coming up in June, the session is going to last late into June, if not August.

Alderman Vaillancourt stated again the earliest we can have a special education, as I understand it, if we moved immediately, we have to move tonight, or we couldn't have had it at all. The earliest we could have a special election and there are time limits, parameters that are set up by the State would probably be the second week in June. Now, the session will be winding down then...I don't believe it's in the best interests of Manchester to get a new Rep who's going to be there for one week, not knowing anything that's gone on in the session and vote. I don't think it's going to be a tie breaking situation, I think it's a cost to the City that's not justified, you're going to get a turnout of 50 or a hundred voters and I think it's wrong.

Alderman Cashin stated, Carol, we send this to the Attorney General, right. Where does it go.

Deputy Clerk Johnson replied it goes to the Secretary of State's Office.

Alderman Cashin stated if Bill Gardner decided that there was a problem then he would tell us if we should probably have a special election, is that fair. If he's got a problem with it he would tell us we would need to have a special, wouldn't he.

Deputy Clerk Johnson replied the standard process would be for us to request a specific time or request a special election in order to have the representation. If the Board does not request that we hold a special election that is not all the process. Once we are advised of the vacancy we inform this Board and then they decide whether to request a special election. In the past, there have been requests for special elections because it has occurred early on in the legislative session and if I had to make a comment on it, my perception would be that Alderman Vaillancourt is probably correct. By the time we hold the election there would not be amply time for accurate representation until the next session.

Mayor Baines called for a vote on the motion to request the City Clerk to set the process for a special election in motion to be held concurrently with the municipal elections. The motion carried with Alderman Pariseau duly recorded in opposition.

Alderman Levasseur stated I've been getting a lot, well, not a lot but every couple of weeks I've been getting mail from the City Solicitor concerning the Susan

Lafond issue and I want to congratulate the parties: Alderman Cashin and the City Solicitor for keeping us informed on what's going on. What I have a question on is it says that the information we are receiving is confidential in nature, but some of the stuff that's being negotiated in there, I don't believe is confidential because it's not personal and I think it's time that we bring this stuff to light and how can we go about that.

Alderman Cashin moved that this matter be referred to the City Solicitor because anything that is going to be discussed should be discussed in executive session.

Solicitor Clark stated until I know what you want to discuss, I would suggest that you recess and meet with legal counsel.

Mayor Baines stated we could do this at this end of this meeting.

Alderman Gatsas stated in reference to the senior center it is my understanding that it's coming to the full Board or back to Lands and Buildings first.

Alderman Cashin replied it was my thought that it was going to go back to Lands and Buildings between now and the next Board meeting.

Alderman Lopez stated the motion of this Board was to bring everything back to this Board and unless that is rescinded that should go back to Lands and Buildings, but it was voted on by this Board and Carol has the documentation.

Alderman Gatsas stated I understand about the documentation that Alderman Lopez offered, but whether it was through his suggestion in a committee that he is not a member of that it comes back to the full Board according to the minutes that I'm reading.

Alderman Lopez stated it's not on the documentation that's sitting there...

Alderman Gatsas stated I don't have a problem to go along with what you're saying.

Alderman Lopez stated I think it's more of a courtesy if we voted that it come back to this Board and if we want to send it back to Lands and Buildings I'll go along with that, but we should rescind that and send it back to Lands and Buildings.

Alderman Cashin moved that it be referred back to the Committee on Lands and Buildings. Alderman Gatsas duly seconded the motion. There being none opposed, the motion carried.

Deputy Clerk Johnson stated I understand there might be a motion coming up to recess to meet with legal counsel. Unless it's anticipated that some specific action is going to be taken the Board could actually move to adjourn and then confer with legal counsel.

There being no further business to come before the Board on motion of Alderman Pariseau, duly seconded by Alderman O'Neil, it was voted to adjourn.

A True Record. Attest.

City Clerk